

REMARKS

Claims 1-12 are pending. Claims 1 and 7 have been amended. No new matter has been added.

Claims 1-12 stand rejected under 35 USC 103(a) over Namikawa, (U.S. Patent No. 6,094,698), in view of Tanimoto (Japanese Laid-Open Publication No. 10/213997). Applicants respectfully traverse this rejection because neither Namikawa nor Tanimoto, alone or in combination, discloses or suggests all of the features recited in independent claims 1 or 7.

Claims 1 and 7 recite “a nonvolatile second storage medium for storing a transfer state of the control program, the transfer state indicating whether or not the control program is being transferred.

The Examiner has cited col. 6, lines 7-10, of Namikawa as disclosing the claimed transfer state being stored in a second storage medium. However, Namikawa discloses a status area that stores information showing the state of the data area, but does not disclose or suggest storing an indication of whether or not the control program is being transferred. Namikawa teaches, at col. 8, lines 24-28, and col. 9, lines 4-6, that the “status” is used to indicate whether or not data may be written into the download area 26b. The “status” is set to “1” when it becomes possible to write data to the download area 26b. A status of “0” indicates that data writing is complete (col. 8, lines 44-47).

In contrast, according to claims 1 and 7, the transfer state indicates whether or not a control program is currently being transferred. In the state before transfer of the program, the program is not being rewritten, thus it is not necessary to control power before transferring a program. However, it is necessary to control power during the program transfer. Thus, according to claims 1 and 7, the power supply is controlled according to the transfer state. Namikawa fails to teach or suggest storing a transfer state where the transfer state indicates whether or not a control program is currently being transferred. As stated above, the status of Namikawa will be set to “1”

before the program is actually transferred, and thus does not indicate whether or not a control program is currently being transferred.

Tanimoto teaches a device which is designed to stop the supply of power from the power source to the fixing heater and the supply from the power source for load drive when connected to an external storage means. If the disclosure in Namikawa is simply applied to the device disclosed in Tanimoto, information as to whether rewriting data is allowed or not would be written to the "status area" after stopping the power supply. Accordingly, even if combined, the cited references would fail to teach or suggest the features of claims 1 and 7.

The remaining claims are allowable at least due to their respective dependencies. Applicants request that this rejection be withdrawn.

If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 3257720225.

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